

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Omdoll Docket No.: 1414.093
Serial No.: 10/594,942 Filed: September 28, 2006
Examiner: Rahim, A. Group Art Unit: 3744
Confirmation No.: 5667
Title: *Chilling Utensil and Method of Use*

RESPONSE TO OFFICE ACTION MAILED AUGUST 22, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

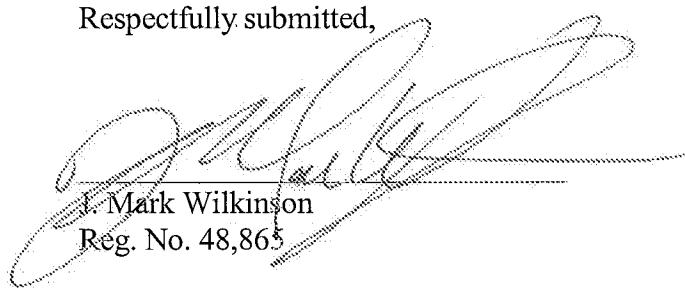
Sir:

This paper is in response to the office action mailed August 22, 2008 in which the Examiner has requested that Applicant make an election between claims 1-15, drawn to a device for chilling warm material, and claims 16 and 17, drawn to a method for chilling warm material. While the Examiner has not established how a search and consideration of claims 16 and 17 together with claims 1-15 would place an undue burden on the Examiner; nevertheless, Applicant has elected claims 1-15 with traverse, and therefore requests rejoinder of claims 1-17.

Applicant further elects species "Q" and sub species "AI" as identified by the Examiner as being directed to the embodiments shown in Figs. 27-28A and Figs. 55-56, respectively. Claims 1-3, 6, 8-10, 13, and 14 read on the elected species. However, contrary to the conclusion of the Examiner, claims 1-3 and 8-10 are believed to be generic for each of the identified species.

Applicant believes that there are no fees due in connection with this communication. Nevertheless, authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to the Deposit Account No. 50-1170. The Examiner is invited to contact the undersigned by telephone if it would help to expedite matters.

Respectfully submitted,



Mark Wilkinson
Reg. No. 48,863

Date: 7/16/2008

Boyle Fredrickson, S.C.
840 North Plankinton Avenue
Milwaukee, WI 53203
(414) 225-9755 – phone
(414) 225-9753 – fax